

1 MIGUEL HERNANDEZ ILAW  
2 IN PRO PER  
3 932 Pershing Avenue  
4 San Jose CA 95126  
5 408.402.2987  
6 miguelilaw@gmail.com

**FILED**

**MAY 28 2020**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

**RECEIVED**

2020 MAY 28 A 7:12

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NO. DIST. OF CA.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

8 MIGUEL HERNANDEZ ILAW

**CV 20** Case No.:

**3566**

**NC**

10 Plaintiff,

) VERIFIED COMPLAINT

11 v

) **DEPRIVATION OF CIVIL RIGHTS**

) 42 U.S.C. § 1985(3)

12 LITTLER MENDELSON, PC  
13 ATTY JOSHUA Z. FELDMAN  
14 ATTY KARIN M. COGBILL

15 Defendant.  
16

17  
18  
19  
20 Pursuant to 42 U.S.C. § 1985(3), In Pro Per Plaintiff Miguel Hernandez Ilaw submits this  
21 civil complaint of deprivation of rights against Littler Mendelson, PC; Attorneys Joshua Z. Feldman  
22 and Karin M. Cogbill, Defendant Counsel for Daughters of Charity Health System in litigation,  
23 Case No 5:11-cv-02752-LHK.  
24  
25  
26  
27  
28

1                    *Plaintiff*     Miguel Hernandez Ilaw, *Pro Se*

2  
3                    *Defendants*

4                    1. Littler Mendelson, PC  
5                         2049 Century Park East, Century City CA 90067  
6                         310.553.0308 / 310.772.7208

7                    2. Joshua Z. Feldman, Esq  
8                         jfeldman@littler.com  
9                         2049 Century Park East, Century City CA 90067  
10                        310.553.0308 / 310.772.7208

11                   3. Karin M. Cogbill, Esq  
12                        Hopkins Carley PC  
13                        408.299.1310.  
14                        70 South First Street, San Jose CA 95113

15                   *In Controversy*

16                   4. Case No. 5:11-cv-02752-LHK  
17                        *Miguel Ilaw v Daughters of Charity Health System*  
18                        *One Million: Demand for Damages*  
19                        Cause of Action: EEOC Gender Discrimination  
20                        Defendant Counsel, Littler Mendelson PC  
21                        Attys: Joshua Z. Feldman, Karin M. Cogbill  
22                        United States District Court  
23                        280 S. First Street, San Jose CA 95113

24                   *Related Case:*

25                   5. Case No. 5:20-cv-02183-LHK  
26                        Document 19  
27                        Plaintiff's Motion To Recuse LHK  
28                        *Miguel Hernandez Ilaw v CVS Pharmacy*  
                         United States District Court  
                         280 S. First Street, San Jose CA 95113

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**VERIFIED COMPLAINT**

**October 24, 2011: Docket 42**

In Case No. 5:11-cv-02752-LHK, Mr. Ilaw filed a motion to be heard.  
“*Plaintiff’s Motion To Shorten Time*” Docket 42.

**October 26, 2011: Docket 47**

Defendants Littler, et al. replied:

“Although Defendant does not oppose the scheduling of a case management conference; it would request that any such conference *not be scheduled* until after the hearing on Defendant’s Motion to Dismiss Plaintiff’s Second Amended Complaint (SAC) which is set for February 4, 2012. The pending motion to dismiss request that the Court dismiss Plaintiff’s SAC without leave to amend. If granted, this case will be dismissed in its entirety and a scheduling conference would be unnecessary. Therefore, given the posture of this case, Defendant requests that the Court postpone conducting a case management conference until the pending motion to dismiss has been decided.”

*Signed* Karin M. Cogbill, Joshua Z. Feldman, Littler Mendelson, A Professional Corporation. *See* Docket 47 Attachment.

**February 6, 2012: Docket 55**

Judge Lucy H. Koh, ORDER, Page 13.

FOOTNOTE: Plaintiff’s Motion to Shorten Time for a Status Conference, ECF No. 42, is hereby also DENIED as moot.

To Mr. Ilaw’s detriment, Pro Se Plaintiff was defeated in the lawsuit without being heard.

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**LEGAL STANDARD**

**42 U.S. C. § 1983** "Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." **42 U.S.C. § 1985(3)** "[If] two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; ... the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators."

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**LEGAL ARGUMENT**

Inside this Court, Defendant opposed Mr. Ilaw's Motion, Dkt 42 by officially asking this Court to deny equal protection of the laws, the right to be heard, to unrepresented Plaintiff. Resulting to impediment of administration of justice.

Koh granted the request by footnoting and mooted his Guaranteed Constitutional rights.

In *Griffin v. Breckenridge*, 403 U.S. 88 (1971). The Court stated: "That § 1985(3) reaches private conspiracies to deprive others of legal rights ... and its constitutionality."

Ninth Circuit under section (1985) required two elements: (1) the violation of a protected right and (2) an invidiously discriminatory class-based animus motivating the violation. *Life Ins. Co. of America v. Reichardt*, 591 F.2d 499, 502 (9th Cir. 1979). The Supreme Court has required that the plaintiff show "some racial, or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' action. *Griffin v. Breckenridge*, 403 U.S. 88, 102 (1971). Herein, Mr. Ilaw is class-based pro se litigant.

1 ∞

2 **PRAYER**

3 For egregious Docket 47 pleading to deprivation of his Guaranteed Constitutional rights, the  
4 Plaintiff asks for Nine Million Dollars for damages [ 9 years x 1 Million ].

5  
6  
7 I certify under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct. Executed on 22nd day of May, 2020.

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**PROOF OF SERVICE**

Unites States District Court  
San Jose Division

MIGUEL HERNANDEZ ILAW  
v  
LITTLER MENDELSON, PC et al

On May 22, 2020, I served true copies of the following documents, *Complaint, Summons* in re Miguel Hernandez Ilaw v Littler Mendelson, PC, Attorneys Joshua Z. Feldman & Karin M. Cogbil on interested parties via professional server.

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Hopkins Carley LLP  
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San Jose, CA 95113.2303  
Telephone: 408.998.4150

Attorneys for Defendant  
DAUGHTERS OF CHARITY HEALTH SYSTEM

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL ILAW,

Plaintiff,

v.

DAUGHTERS OF CHARITY HEALTH  
SYSTEMS, et al.

Defendants.

Case No. CV11-02752-LHK

**DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S MOTION TO SHORTEN  
TIME (DKT. NO. 42)**

**ATTACHMENT**  
Ilaw v Littler et al

1 On October 25, 2011, Plaintiff filed a "Motion to Shorten Time/Status Conference  
2 Request" requesting that the Court schedule a Status Conference for a date in November. There are  
3 presently no case management conferences scheduled for this matter, nor has the Court conducted an  
4 initial case management conference, as the previously scheduled one was vacated when this matter  
5 was reassigned.

6 Although Defendant does not oppose the scheduling of a case management  
7 conference; it would request that any such conference not be scheduled until after the hearing on  
8 Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint which is set for February 4,  
9 2012. The pending motion to dismiss requests that the Court dismiss Plaintiff's Second Amended  
10 Complaint without leave to amend. If granted, this case will be dismissed in its entirety and a  
11 scheduling conference would be unnecessary. Therefore, given the posture of this case, Defendant  
12 requests that the Court postpone conducting a case management conference until the pending motion  
13 to dismiss has been decided.

14  
15 Dated: October 26, 2011

16  
17 /s/ Karin M. Cogbill  
18 JOSHUA Z. FELDMAN  
19 KARIN M. COGBILL  
20 LITTLER MENDELSON  
21 A Professional Corporation  
22 Attorneys for Defendant  
23 DAUGHTERS OF CHARITY HEALTH  
24 SYSTEM

25 Firmwide: 104788348 | 015598.1419  
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Attorneys for Defendant  
DAUGHTERS OF CHARITY HEALTH SYSTEMS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL ILAW,

Plaintiff,

v.

DAUGHTERS OF CHARITY HEALTH  
SYSTEMS,

Defendant.

Case No. CV11-02752-LHK

**CERTIFICATE OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 50 W. San Fernando, 15th Floor, San Jose, California 95113.2303. On October 26, 2011, I served the within document(s):

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO  
SHORTEN TIME (DKT. NO. 42); AND

**CERTIFICATE OF SERVICE**



by facsimile transmission at or about \_\_\_\_\_ on that date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), telephone number 408.288.5686. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is attached. The names and facsimile numbers of the person(s) served are as set forth below.

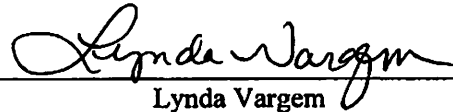
- 1 ☐ by placing a true copy of the document(s) listed above for collection and mailing  
 2 following the firm's ordinary business practice in a sealed envelope with postage  
 3 thereon fully prepaid for deposit in the United States mail at San Jose, California  
 4 addressed as set forth below.
- 5 ☒ by depositing a true copy of the same enclosed in a sealed envelope, with delivery  
 6 fees provided for, in an overnight delivery service pick up box or office designated  
 7 for overnight delivery, and addressed as set forth below.
- 8 ☐ by personally delivering a copy of the document(s) listed above to the person(s) at  
 9 the address(es) set forth below.
- 10 ☒ Based on a court order or an agreement of the parties to accept service by e-mail or  
 11 electronic transmission, I caused the documents to be sent to the persons at the e-  
 12 mail addresses on the attached service list on the dates and at the times stated  
 13 thereon. I did not receive, within a reasonable time after the transmission, any  
 14 electronic message or other indication that the transmission was unsuccessful. The  
 15 electronic notification address of the person making the service is  
 16 kcogbill@littler.com.

13 Miguel Ilaw  
 14 932 Pershing Avenue  
 15 San Jose, CA 95126  
 16 Tel: (408) 402-2987  
 17 Email: miguelilaw@gmail.com

Plaintiff in Pro Per

17 I am readily familiar with the firm's practice of collection and processing  
 18 correspondence for mailing and for shipping via overnight delivery service. Under that practice it  
 19 would be deposited with the U.S. Postal Service or if an overnight delivery service shipment,  
 20 deposited in an overnight delivery service pick-up box or office on the same day with postage or fees  
 21 thereon fully prepaid in the ordinary course of business.

22 I declare under penalty of perjury under the laws of the State of California that the  
 23 above is true and correct. Executed on October 26, 2011, at San Jose, California.

24   
 25 Lynda Vargem

26 Firmwide: 102675398.1 015598.1419